

Translation

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PATENT COOPERATION TREATY

PCT/EP2003/007683



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 0000053785	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/007683	International filing date (day/month/year) 16 July 2003 (16.07.2003)	Priority date (day/month/year) 25 July 2002 (25.07.2002)
International Patent Classification (IPC) or national classification and IPC C08F 2/24, 2/22, 10/00		
Applicant BASF AKTIENGESELLSCHAFT		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of _____ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 25 November 2003 (25.11.2003)	Date of completion of this report 20 August 2004 (20.08.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2003/007683

I. Basis of the report

1. With regard to the elements of the international application:*

- ☒ the international application as originally filed
- ☒ the description:
 pages _____ 1-25 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the claims:
 pages _____ 1-12 _____, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the drawings:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims	1-8, 11	YES
	Claims	9, 10, 12	NO
Inventive step (IS)	Claims	1-8, 11	YES
	Claims	9, 10, 12	NO
Industrial applicability (IA)	Claims	1-12	YES
	Claims		NO

2. Citations and explanations

1. This report makes reference to the following documents:

D1: BAUERS, FLORIAN M. ET AL: "Catalytic polymerization of ethylene in aqueous emulsion with a simple in situ catalyst",
MACROMOLECULES (2003), 36(18), 6711-6715,
XP002259050

D2: TEYSSIE, PHILIPPE ET AL: 'Polymerization by transition metal derivatives. III. Competitive effect of various ligands on stereospecific polymerization of butadiene by rhodium salts in aqueous emulsion', BULLETIN DE LA SOCIETE CHIMIQUE DE FRANCE (1965), (10), 2842-8

D3: BERGER, RICHARD S. ET AL: 'Emulsion polymerization of vinyl monomers by transition metal compounds', JOURNAL OF POLYMER SCIENCE (1964), PT. A 2(1), 357-65

D5: WO-A-01 44325

2. On page 23, document D5 describes catalytic structures used for polymerising olefins in an emulsion process.

These structures are the reaction products from the same educts described in claim 1 of the present invention. It is evidently possible to derive from D1 (cited by way of example, since D1 was published after the priority date of the present application) a way of manufacturing these products.

Consequently, D5 is prejudicial to the novelty of claims 9-10 and 12 within the meaning of PCT Article 33(2).

3. None of the relevant documents cited in the search report describes a method as described in claim 1, nor can this method be clearly derived from the relevant prior art.

Consequently, claims 1-8 are novel and inventive within the meaning of PCT Article 33(2) and 33(3).

4. None of the relevant documents cited in the search report describes a mini-emulsion as described in claim 11, nor can such a mini-emulsion be clearly derived from the prior art.

Consequently, the subject matter of claim 11 is novel and inventive within the meaning of PCT Article 33(2) and 33(3).

5. The invention is industrially applicable (PCT Article 33(4)).